

Panaji, 30th June, 2003 (Ashada 9, 1925)

SERIES I No. 13

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### EXTRAORDINARY

### No. 3

#### GOVERNMENT OF GOA

Department of Finance

Revenue and Expenditure Division

#### Notification

5/17/2001-Fin (R&amp;C) (5)

The Government of Goa is hereby pleased to frame the Goa Sales Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2003, in supersession of the Goa Sales Tax Deferment-Cum-Net Present Value Compulsory Payment Scheme, 2001, published in the Official Gazette (Extraordinary), Series I No.18, dated 3rd August, 2001, vide notification No. 5/17/2001-Fin(R&C)(4) dated 1-8-2001, as follows, namely:-

#### 1. Short title, application and commencement.—

(1) This Scheme may be called the Goa Sales Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2003.

(2) It shall apply to the industrial units eligible as per provisions of this Scheme in the entire State of Goa.

(3) It shall come into force at once.

#### 2. Definitions.— In this Scheme, unless the context otherwise requires,—

(a) "balance un-expired period" means the period during which the eligible unit is entitled for benefit of exemption in terms of entry 68 or entry 85 of the Second Schedule

appended to the Goa Sales Tax Act, 1964 (Act 4 of 1964) (hereinafter referred to as the 'said entry') and/or under notifications issued under sub-section (5) of section 8 of the Central Sales Tax Act, 1956 (Central Act No.74 of 1956) (hereinafter referred to as the 'said notification') or to whom the said benefit is extended by any Government order, reduced by the period during which the benefit of exemption is availed by the said unit, if any, under aforesaid entries and/or notifications or Government order;

(b) "eligible unit" shall mean and include,—

(i) the industrial unit in Small Scale, Medium Scale and Large Scale sectors which is entitled for benefit under the said entry or under the said notification or under specific Government Order extending the benefit;

(ii) the industrial unit which has gone in production on or before 31-3-2002, but found to be not eligible for the benefit of said entry or said notification on account of non-fulfillment of any of the conditions specified therein and to which the benefit of the said entry or notification is extended under a Government order. The benefit of this Scheme to such unit shall be from the date of the Government order or such date as may be specified therein;

(c) "implementing agency" means, the Department of Sales Tax;

(d) "period of entitlement".— (i) in respect of an eligible unit, other than those specified

in Schedule appended hereto, means the balance unexpired period and in case of an unit whose exemption benefit as per said entry or said notification or as per the Government order extends beyond 31-3-2003, such balance unexpired period computed on 31-3-2003, enhanced by 15% of the said period;

(ii) in respect of units specified in Schedule appended hereto, means the following period:-

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|--|---|
| (i) Small Scale Industrial unit availing exemption as on 31-3-2003 under entry 68 of Second Schedule appended to the Goa Sales Tax Act, 1964.                    | — 10 years reduced by the period during which the exemption is availed by the unit subject to maximum of 5 years. |
| (ii) Medium Scale/Large Scale Industrial units availing exemption as on 31-3-2003 under entry 85 of the Second Schedule appended to the Goa Sales Tax Act, 1964. | — 5 years reduced by the period during which the exemption is availed by the unit.                                |

**EXPLANATION.**— In working out period of entitlement, fraction of a day, if any, shall be ignored.

(e) "return" means the return required to be filed under the Goa Sales Tax Act, 1964 (Act 4 of 1964);

(f) "sales tax liability" means, the following:-

(i) sales tax payable under the Goa Sales Tax Act, 1964 (Act 4 of 1964) during the period of entitlement on the sales of goods covered by the said entry and/or Government Order;

(ii) sales tax payable under the Central Sales Tax Act, 1956 (Central Act 74 of 1956) during the period of entitlement on the sales of goods covered by the said notification and/or Government Order;

(g) "net present value (NPV)" means, the amount equal to 25% of sales tax liability during the period of entitlement. However,

except for the units specified in Schedule appended hereto, Net Present Value for the period from 1-7-2003 to 30-6-2004 shall be 12.5% of sales tax liability during the period of entitlement.

3. **Scope of Scheme.**— This Scheme is in lieu of exemption presently available under the said entry and/or said notification or the Government order, as the case may be, and once availed, is irreversible.

4. **Eligibility.**— The industrial units which are entitled for the benefit of the said entry and/or said notification or under the Government order extending the benefit shall be eligible for the benefit of this Scheme from the date of filing of declaration in the form specified hereto, subject to production of required supporting documents and obtaining dated acknowledgement as specified hereto from the Commissioner of Sales Tax or from any Officer authorized by him for the purpose. In cases of Government Order extending the said benefit, eligibility of such unit shall be subject to the conditions specified in the said Order.

5. **Quantum of benefit.**— The quantum of benefit under this Scheme will be equal to the sales tax liability during the period of entitlement reduced by NPV (Net Present Value).

6. **Discharge from deferred tax liability.**— The payment of Net Present Value will discharge the industrial unit from any obligation under the Goa Sales Tax Act, 1964 and/or the Central Sales Tax Act, 1956, towards payment of the balance tax during the period of entitlement.

7. **Effect of non-payment of Net Present Value.**— In the event of non-payment of Net Present Value, the implementing agency shall recover the respective amount with interest at 15% per annum of Net Present Value defaulted. Further, the amount in default with accrued interest shall be recovered by adopting any of the mode provided for in the Goa Sales Tax Act, 1964 or as arrears of land revenue.

8. **Procedure for availing benefit of the Scheme.**— The eligible units shall make a declaration to the Commissioner of Sales Tax in the form specified hereto, enclosing therewith the following documents:—

- (i) the Certificate of registration/  
/acknowledgment of IEM/Letter of  
intent;
- (ii) last assessment order;
- (iii) declaration stating the date of first sale  
effected;
- (iv) description of the goods manufactured,  
processed or assembled.

On receipt of the declaration, the Commissioner of Sales Tax if he has reason to believe that the declaration so furnished is factually incorrect or deficient, he shall issue a deficiency memo calling for compliance within 30 days and in the event of non-compliance or if the details furnished therein are proved to be incorrect, he shall make an order withdrawing the benefit under the Scheme, after giving an opportunity of hearing to the declarant.

The eligible unit will be entitled to charge sales tax at appropriate rate and effect payment of net present value. In the returns to be filed under Sales Tax Act, such unit will indicate the amount of tax paid by way of net present value and will also show the amount of tax liability deferred and discharged under clause 6.

9. *Saving.*— Notwithstanding anything contrary contained in this Scheme, the units which have been issued eligibility certificate by the Commissioner of Sales Tax before commencement of this Scheme, for availing benefit thereof under the earlier Scheme shall continue to avail the benefit in terms of this reframed Scheme.

#### SCHEDULE

[See clause 2(d)(ii)]

- (1) Units manufacturing or processing Indian Made Foreign Liquor including beer and wines as defined in the Goa Excise Duty Act, 1964 (Act 5 of 1964).
- (2) Units manufacturing country liquor as defined in the Goa Excise Duty Act, 1964 (Act 5 of 1964).

#### Declaration under "the Goa Sales Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2003"

(See clause 8)

#### DECLARATION

In accordance with "The Goa Sales Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2003" notified by the Government under Notification No. \_\_\_\_\_ dated \_\_\_\_\_, I \_\_\_\_\_ (name) on behalf of the industrial unit \_\_\_\_\_ hereby make the following declaration:

- (1) That I/we would like to avail the benefit of "The Goa Sales Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2003" (hereinafter referred to as "said Scheme") as notified under No. \_\_\_\_\_ dated \_\_\_\_\_.
- (2) That I/we have read and understood the contents of the said Scheme and I/we undertake to abide by provisions thereof.
- (3) That as per relevant entry or/and Government Order my/our industrial unit is entitled for exemption benefit for \_\_\_\_\_ years commencing from \_\_\_\_\_.
- (4) That my/our industrial unit is registered with appropriate authority and the details are as stated below:
  - (a) Name and address of the unit alongwith name and address of the proprietor/partner/ /director: \_\_\_\_\_
  - (b) SSI Registration No./ /Industrial licence No. DGTD registration No. and date/ /acknowledgement No. from Entrepreneurial Assistance Unit, Secretariat of Industrial Approvals, Department of Industrial Development, Ministry of Industry, Government of India: \_\_\_\_\_
  - (certified copy to be enclosed)
  - (c) Date of commencement of production: \_\_\_\_\_  
(certificate to be enclosed)
  - (d) No. of Registration certificate under the Goa Sales Tax Act, 1964 (Act 4 of 1964) Under the Central Sales Tax Act, 1956 (Central Act 74 of 1956) \_\_\_\_\_

(e) Description of goods manufactured/processed/assembled: \_\_\_\_\_

(f) Date of first sale of goods manufactured/processed/assembled: \_\_\_\_\_

(g) Period of exemption under entry 68/85 \_\_\_\_\_ to \_\_\_\_\_

- (5) I/we hereby declare that the unit is not of high polluting nature as declared by the Central Government and included in the Annexure appended to entry No.68 and 85 of the Second Schedule to the Goa Sales Tax Act, 1964.

I/we hereby declare that the Industrial unit run by me/by us is of high polluting nature falling under category \_\_\_\_\_ as declared by Central Government and included in the Annexure appended to entry 68 and/or 85 of the Second Schedule to the Goa Sales Tax Act, 1964 and that Government has extended the benefit of exemption to the unit vide Order No. \_\_\_\_\_ dated \_\_\_\_\_.

- (6) Year-wise details of benefit under entry 68 or 85 and/or under section 8(5) of the Central Sales Tax Act as claimed/assessed in respect of my/our unit is as under:

Year	Turnover claimed/assessed under Entry 68/85 and/or notification under section 8(5) of Central Sales Tax Act, 1956	Notional Sales Tax liability
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i.  
ii.  
iii.  
iv.  
v.

- (7) I/We declare that in terms of the Goa Sales Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2003, I/We are entitled for its benefit upto \_\_\_\_\_.

I, hereby declare, that what is stated by me above is true as per information derived from my/our record, which I/we believe to be correct.

(Signature of Declarant)

Name in block letters \_\_\_\_\_

(Status) Prop./Chairman/M.D./Partner

### Acknowledgement-cum-Order

I, \_\_\_\_\_, Sales Tax Officer, authorized by the Commissioner of Sales Tax, hereby acknowledge the receipt of declaration filed by \_\_\_\_\_ under the 'Goa Sales Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2003' on \_\_\_\_\_ in respect of industrial unit under the name \_\_\_\_\_ registered with the Sales Tax Department under No. \_\_\_\_\_ under the Goa Sales Tax Act, 1964 and under No. \_\_\_\_\_ under the Central Sales Tax Act, 1956.

The declarant on the basis of this declaration is authorized to charge sales tax under the Goa Sales Tax Act, 1964 and under the Central Sales Tax Act, 1956 at appropriate rate and avail the benefit of the Scheme.

The declarant industrial unit is required to file quarterly returns as per provisions of the Goa Sales Tax Act, 1964 and the Central Sales Tax Act, 1956 and effect payment of Net Present Value, accordingly.

The benefit under the 'Goa Sales Tax Deferment-cum-Net Present Value Compulsory Payment Scheme, 2003' hereby allowed, is liable to be withdrawn in the event of any of the details furnished in the declaration are proved to be incorrect or in the event of non-compliance within the time stipulated in the deficiency memo, if issued.

Place: \_\_\_\_\_

Date : \_\_\_\_\_  
(Signature of Sales Tax Officer)  
authorized by the Commissioner  
of Sales Tax

By order and in the name of the Governor  
of Goa.

D. G. Sardessai, Under Secretary (Finance).

Panaji, 30th June, 2003.